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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE 1349th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 12 August 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

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GE.99-43800 (E)

The meeting was called to order at 10.15 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRMAN said his attention had been drawn to a document issued by Aboriginal and Torres Strait Islander Social Justice Commissioner of Australia, which stated that the Committee had written a letter, on 5 July 1999, to request information for consideration at the Committee's fifty-fifth session. In fact, the letter had been written by Mr. Aguilar-Urbina, Chief of the Support Services Branch of the Office of the High Commissioner for Human Rights, without the knowledge of the Chairman or any other member of the Committee. He wished it to be recorded, for the work of future sessions of the Committee, that no communications to outside bodies relating to the Committee's work should be issued without the Chairman's consent.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Initial, second and third periodic reports of Latvia (continued) (CERD/C/309/Add.1)

2. At the invitation of the Chairman, the members of the delegation of Latvia resumed their places at the Committee table.

3. Mr. SHAHI endorsed other members' expressions of appreciation for the consolidated report submitted. In addition to the questions raised by the Country Rapporteur, he would like more details relating to the Livs, mentioned in paragraph 8 and in the table in paragraph 55 of the report. He would also welcome further information on the work of the National Human Rights Office, since the document entitled Human Rights in Latvia in 1998 produced by the Latvian Centre for Human Rights and Ethnic Studies had mentioned problems in the work of that Office.

4. Paragraphs 26 to 28 of the report referred to three cases brought to court under article 69 of the Criminal Code, on violation of ethnic and racial equality. He was surprised that only three cases were mentioned, in view of some other documentation before the Committee, which reflected growing concern about racist propaganda and xenophobia. It would seem that much more needed to be done in that sphere, and he would like to know what action was being taken.

5. Mr. BAUMANIS (Latvia), expressing appreciation for the Committee's kind comments on his country's report and replying to questions raised by members, began by pointing out that the booklet from the Latvian Human Rights Committee had not been submitted by the Government and was not the publication to which he had referred at the previous meeting. His delegation recognized the right of that non-governmental organization (NGO) to send such a booklet to the Committee, although it thought some of the contents ill-founded. He was sure, however, that the Committee members would draw their own conclusions. The report of the Latvian Center for Human Rights and Ethnic Studies, which had been sent to the Committee on 26 July 1999, ought to have been among the background papers.

6. With regard to the restoration of Latvia's independence, certain aspects should perhaps be clarified, particularly so as to dispel the idea of a successor State - a matter reflected in paragraph 19 of the report. Although Latvia had been forcibly and illegally made a part of the former Soviet Union, its de jure statehood had continued to exist. State continuity was based on principles of international law, and continuity of nationality was a natural and logical consequence; in that regard, the situation of the three Baltic States differed from that of the other newly independent States formerly part of the Soviet Union. It could not be said that persons who had been settled in Latvia during the period of Soviet rule were in any way deprived of Latvian citizenship, since they had never possessed it; but Latvia recognized the right to a nationality in the sense of a right to acquire it. Therefore, residents not eligible for restored citizenship by affiliation were not thereby deemed aliens. Their status transcended the scope of rights normally extended to aliens; for example, they had the right freely to leave and re-enter the country and to be afforded the protection of Latvian authorities abroad. Nor were there any restrictions on the right of non-citizens to take out citizenship. The situation of the three Baltic States was certainly unique and called for the application of some new legal principles. The latest report of Mr. Eide, Chairman-Rapporteur of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights, who was also a member of the Advisory Board of the Latvian Institute of Human Rights, had contained a whole chapter on the situation of the Baltic States and had noted the latter's unique features with regard to determination of citizenship.

7. There was a reference, in the second sentence of paragraph 91 of the report, to overlapping of the issues of minorities and non-citizens; but that was meant only in a numerical sense, since it happened that most non-citizens were also non-Latvians. In fact, the two categories were recognized as quite separate. The authorities' approach to minorities and their rights was based on article 27 of the International Covenant on Civil and Political Rights - an instrument which could be invoked directly in the courts. The relevant category of non-citizen was determined by the 1995 Law "On the Status of Those Citizens of the Former USSR Who Are Not Citizens of Latvia or Any Other Country". Reforms in respect of such issues were evolving so rapidly, however, that even the latest periodic report was outdated; in particular, all references in it to the Constitutional Law were already obsolete, because that Law had been replaced, with a new chapter 8 of the Constitution on basic human rights, adopted in October 1998. To attempt a cross-reference enumeration would be too time-consuming, but the next periodic report would provide all up-to-date information. It could be said, however, that all human rights and fundamental freedoms were henceforth constitutionally guaranteed. He reiterated that all international human rights instruments to which Latvia was a State party were directly applicable in the country's courts and could even take precedence over statute law in the event of conflicting provisions.

8. The point had been raised that upholding the principle of equality was not the same as eliminating discrimination; but discrimination was expressly prohibited under article 91 of the Constitution. On the question of effective legal remedies, he recalled that none had existed in the society from which Latvia had recently emerged. Legislative and other measures were being developed further, however, to rectify matters. For instance, with regard to

administrative procedures, rules were being developed, such as Cabinet of Ministers Regulations relating to administrative acts to ensure, inter alia, that individuals could appeal to the courts against administrative decisions. A further guarantee of effective remedies was the existence of an independent judiciary.

9. Mr. JANSONS (Latvia) said that in 1999 Latvia had participated in the Commission on Human Rights as a voting member for the first time.

10. With regard to the right to a nationality, dealt with in paragraphs 54 and 55 of the report, he stressed that the official term, with respect to matters of nationality and citizenship, was "Latvian", not "Lettish" as used in some unofficial publications. In that regard, Latvian citizenship had never ceased to exist, despite the period of Soviet rule; the Law on Citizenship enacted by the first Latvian Republic in 1919 had been deemed applicable on the resumption of independence, amended by further enactments in October 1991 and June 1994, with subsequent revisions. It should be noted that the vast majority of current citizens was made up of persons who had been citizens prior to the Soviet occupation or their descendants. Citizenship law was, of course, a law of naturalization, which meant that persons not covered by the provisions of the 1919 law had the right to apply for naturalization.

11. Under the Law on Citizenship as amended following the referendum held in October 1998, all residents of Latvia could apply for Latvian citizenship, regardless of their ethnic background, religion and social or other status. As in the legislation of other States, there were some exceptions. The Law on Citizenship also defined other concepts, thus clarifying the current or future status of every person residing in the country. Aliens were defined as citizens of foreign States, and stateless persons were those who were not considered a citizen under the law of any State. Non-citizens were persons who, according to the Law "On the Status of Those Citizens of the Former USSR Who Are Not Citizens of Latvia or Any Other State", were entitled to Latvian non-citizen passports. Under the Constitution and the laws governing the diplomatic and consular services, and indeed in practice, non-citizens enjoyed the protection and assistance of Latvian diplomatic and consular missions on an equal footing with citizens, and were guaranteed the right to return safely to Latvia. Some 449,000 non-citizen passports had been issued by 31 July 1999.

12. The CHAIRMAN drew attention to article 1, paragraph 2, of the Convention, which stipulated that the Convention did not apply to distinctions, exclusions, restrictions or preferences between citizens and non-citizens. In his opinion, some of the questions raised at the previous session did not fall within the terms of reference of the Convention.

13. Mrs. ALDERMANE (Latvia) pointed out that the rate of naturalization had increased five-fold since the amendments had been introduced into the Law on Citizenship at the end of 1998. In May 1999 the Naturalization Board had received additional funding to expedite the processing of applications, which took place under the close supervision of the Government.

14. Of the more than 600,000 non-citizens registered in Latvia, some 320,000 were over 55 and would have difficulty in meeting the naturalization

requirements, which were more easily satisfied by younger applicants. Many were comfortably settled in situations where knowledge of Latvian was not necessary and, according to opinion surveys, most were satisfied with their status, which gave them the right to travel to the Russian Federation without a visa. About 95,000 non-citizens were young enough to be registered as citizens without undergoing the naturalization process after completion of their education in Latvian-language schools. The remaining 150,000 to 200,000 non-citizens could obtain citizenship through naturalization.

15. Since 1995, the Naturalization Board had had regular contacts with officials of the Council of Europe concerning the organization and assessment of Latvian language proficiency examinations, and seminars had been held for the staff of the Board who dealt with language testing. The naturalization examinations had been simplified. One, which had comprised 300 questions in 1995, had been reduced to 93 questions in 1999. About 95 per cent of applicants passed the language examination at the first attempt, and still more succeeded in the history examination. The examinations were not difficult and should not be seen as an obstacle to the naturalization process, but rather as an opportunity for integration. To assist in preparation, applicants were provided with educational material, some of which was being translated into Russian with the financial support of the Council of Europe. The High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) had said in January 1999 that the requirements of all his recommendations concerning the naturalization process had been met.

16. The Naturalization Board was involved in other activities aimed at promoting naturalization and integration. It had, for instance, opened an information centre, whose main functions were to publish and circulate brochures on citizenship in Latvia and in the European Union, to promote integration and a multicultural society and to hold information and other events. It had also worked with the Ministry of Education and Science to draw up a test of Latvian language and history which would fulfil the naturalization requirements for students completing secondary school, and which could be taken at the same time as the final examinations in those subjects. That system was to be instituted in early 2000. The Naturalization Board had seen its terms of reference extended in 1998 to include citizenship, immigration and the integration of immigrants into society. It also dealt with questions relating to refugees.

17. Ms. MALINOVSKA (Latvia) said the issue of differentiation between citizens and non-citizens had to a large extent lost its importance, as the amendments to the Law on Citizenship gave the possibility to any non-citizen to apply for citizenship with immediate effect. On the question of the exercise of political rights, the Government's view was that it was the customary practice of States to confine certain political rights to their own citizens. The Constitution stipulated, for instance, that only citizens could vote or stand for election to Parliament, and that only citizens were entitled to be employed in the State and local administrations. Article 102 of the newly amended Constitution stated that everyone had the right to form and join associations, political parties and other public organizations. The law

governing the establishment of political parties simply required that at least 200 citizens must be among the founders of a political party, but did not preclude non-citizens from being founders or becoming members.

18. Of the 10 cases cited in paragraph 91 of the report in which the employment rights of citizens differed from those of non-citizens, only four remained. Non-citizens were currently not permitted to work as barristers, lawyers' assistants, private detectives and armed security guards, the first two categories as being professions related to the judicial system, and the second two for reasons of State security on account of the associated use of firearms.

19. Under the current law, and in keeping with the new Constitution, there was no restriction on the ownership of property, and since 1997 non-citizens had been entitled to take part in commercial dealings involving land ownership, meaning that they could unrestrictedly buy, sell and own title to land. By law, citizens and non-citizens had equal rights to social assistance, whether in the form of material benefits or social care and rehabilitation, and to housing support provided by the national and local governments. Minimum emergency medical assistance was guaranteed for citizens, non-citizens, aliens and stateless persons alike, and more extensive medical assistance was available to everyone, but would require payment.

20. Both the Convention and the newly amended Constitution were directly applicable in domestic law. Article 91 of the Constitution contained both the principle of equality and the principle of non-discrimination, and the wording in respect of the latter was particularly broad and far-reaching.

21. The requirements for recognition as a person politically oppressed by the communist regime and the entitlements provided to such persons were identical for citizens and for non-citizens. The mention of ethnicity in the Latvian passport dated from 1992. Because of the prolonged disregard for the value of ethnic identity in the former Soviet Union, the mention of ethnic identity in official papers had at the time been considered positive, as the only proof that a person belonged to a particular ethnic group. Because the ethnic self-identification process was still developing, society was not yet ready to do away with the mention of ethnicity in the passport. However, the question was still on the national agenda and the discussion would continue.

22. A specific law dealt with the registration of names and ethnicity of children born in ethnically mixed families. When a child's birth was registered, the parents decided which to put in the child's documents. When the child reached the age of 16 he or she could choose to maintain that ethnicity or to change it to another, as prescribed by law.

23. Passports for non-citizens, which were internationally recognized travel documents as well as identity documents, had been issued since 1997, and about 80 per cent of those entitled had obtained them. Regarding alleged violations of the right to re-enter Latvia and to choose a place of residence, it was difficult at such short notice to comment on such cases, but it should be noted that any decision handed down by the Board dealing with citizenship and immigration could be appealed against before a court. In practice, claims based on the right to family reunification had been upheld by the courts. In

that regard, the recent adoption of chapter 8 of the Constitution establishing non-discrimination and the right freely to enter and leave the country was of particular importance.

24. The requirement for certification of Latvian language proficiency in order for a person who had not graduated from a Latvian-language secondary school to qualify as a candidate for election to Parliament was based on the principle that it was a right and duty of the State to ensure the efficient functioning of its institutions. That requirement applied to repatriate Latvians as well. Persons who were or who had been employees of the State security, intelligence or counter-intelligence services of the former Soviet Union, Soviet Latvia or foreign countries were not permitted to stand for election, for reasons of national security since members of Parliament were privy to classified information, including State secrets.

25. Mr. MAZEIKS (Latvia), addressing the question of Latvia's recognition of the existence of minorities, said that article 114 of the Constitution stipulated that persons belonging to ethnic minorities had the right to preserve and develop their language and their ethnic and cultural identity, and that the 1991 Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" also recognized their existence. There was no definition of minorities or national or ethnic groups in Latvian legislation, which used two terms: one which could approximately be translated as "minority nationality", and was often translated into English as "ethnic minority", a term used in the Law on Education; and another, undefined and rather broad term, "national and ethnic groups", which appeared in the title of the 1991 Law. Under the 1991 Law, the right to cultural autonomy was ensured at all levels, regardless of citizenship status.

26. Regarding broadcasting and the use of minority languages, and measures taken to promote tolerance, he said that the Law on Television and Radio of 1995 stipulated that programmes could not incite racial, gender-based or religious hatred or humiliation or be offensive to national dignity, and provided that publicly funded programmes must raise awareness of the culture of minorities living in Latvia.

27. According to the Law on the State Language, public authorities and State institutions would accept documents from residents in Latvian, English, German and Russian (report, para. 39). Documents in any other language must be accompanied by a translation into Latvian, verified by a notary.

28. The knowledge of Latvian required by State employees was regulated by a number of laws, including Cabinet of Ministers Regulation No. 189 on the State Language Knowledge Attestation. The attestation was required by employees who needed to communicate with the public and deal with documentation in Latvian. The third and highest level of language proficiency was required by, for instance, members of Parliament, civil servants and lawyers. The person should be able to converse freely in Latvian, understand a text chosen at random and write a text in his or her own field of activity. The Code of Administrative Offences laid down penalties for officials who failed to accept documents in the four permitted languages and for violations of the procedure for language knowledge attestation.

29. His delegation did not wish to comment on the new draft language law and draft labour code, since they were still subject to review by Parliament and were likely to be changed further.

30. Turning to education in minority languages, he said that, during the Soviet period, Russian-language schools had not taught Latvian to a sufficiently high standard, and no other minority-language schools had been allowed. Education, including continuing primary education, was compulsory and free of charge from grades 1 to 9. There had been calls for an end to State financing for minority-language schools but, under the new Law on Education, minority-language schools would continue to be financed from the State or municipal budget, as before. However, minority-language education at secondary level was to be phased out by 2004: from the tenth grade onwards, all teaching would be in Latvian, although schools would also teach courses designed to preserve and develop the ethnic identity of minority groups.

31. The demand for education in Latvian had increased, because it was now more often used exclusively in public and business life. In the academic year 1998-1999, 72 per cent of first-grade pupils attended Latvian language schools: that was partly because there was a higher birth rate among Latvians in the relevant age group and also because more non-Latvian parents now wanted their children to learn Latvian from an early age. Education in minority languages was provided wherever there was a demand. As the demand for Russian-language education had decreased, some Russian-language schools had been amalgamated. At present, there were classes in the Roma language and Belorussian, rather than whole schools, because the demand was small.

32. On the subject of human rights education, he said that a compulsory civics course, taught in ninth grade, gave pupils a grounding in human rights, the rights of the child and relevant legislation, and human rights in everyday life. The textbook for the course had been produced in both Latvian and Russian. Human rights issues were also to be included in the social science courses taught in grades 4 to 6, at a level appropriate to the children's age. Human rights issues, including the Universal Declaration of Human Rights, were taught in an optional politics and rights course at secondary level, and human rights were also included in history, culture and philosophy curricula.

33. Turning to the situation of the indigenous people of Latvia, the Livs, he said that they enjoyed special protection under international instruments as an indigenous group, and were thus treated differently from other national minorities. Their numbers had declined drastically in recent years. At the beginning of the twentieth century there had been a few thousand of them. During the Soviet era, they had been forbidden to carry on their traditional occupation of fishing in their traditional territory, the north-western coastal region near the border with the Soviet Union, and had been obliged to move to the cities. There were now fewer than 200 people who identified themselves as Livs.

34. The legal basis for the special protection to be afforded to the Liv people was laid down in the 1991 Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups. The Government and administration of Latvia were responsible for preserving the national identity and the historic and cultural environment of the Livs and for the

renewal and development of the social and economic infrastructure of the territory they had inhabited. In a decision of the Cabinet of Ministers, also dating from 1991, a Liv cultural and historic territory had been established on the north-western coast, which was protected by the State. In order to settle a public debate which had arisen, the decision made it clear that, while people of Liv extraction were to be encouraged to return to the territory, it was not intended exclusively for them. Any commercial activities must be coordinated with the environmental authorities, since the territory was situated near a nature reserve.

35. The table in paragraph 59 showing the various ethnic groups in the Latvian population indicated the largest groups by name. The last line in the table, "Others", denoted smaller groups. In all, 120 ethnic groups were represented in Latvia, of which some had fewer than 10 members. He could provide some more figures: in early 1999, there had been 3,270 Tatars, 2,642 Armenians and 1,915 Moldovans.

36. Minority groups made their views known through a variety of mechanisms. An estimated 17 to 18 per cent of deputies elected to Parliament belonged to minority groups. The Division of National Affairs of the Ministry of Justice worked together with the Association of National Culture Societies of Minorities and other minority groups which did not belong to the Association. The Minority Advisory Council consisted of experts acting in their personal capacity, many of whom belonged to national culture societies of minorities. They included Russians, Livs, Jews, Germans and Poles. Thirteen of the 32 local governments had established integration councils, and the rest were expected to do so soon. The councils were intended to give the people, especially marginalized groups, more opportunity to participate in public life and influence decision-making.

37. The proposed National Programme on the Integration of Society was not intended as a tool for assimilation of non-Latvians into Latvian society, or minorities into the majority population. It recognized that there were also regional and social differences within Latvian society. The framework document for the programme had been opened up to public debate in March 1999 and had aroused unprecedented interest. Some 25,000 people, out of a total population of 2.5 million, had become involved in the debate in one way or another, and more than 300 articles had appeared in the Latvian and Russian-language press. In itself, the debate had been a valuable exercise in national integration, since the whole country had been discussing the same issue. It was the first time that the State had deliberately encouraged a wide-ranging public debate. Many opinions had been expressed, but most members of society had acknowledged the need for a programme of integration. The framework document had now been resubmitted to the Cabinet of Ministers, and it was hoped that the finalized programme would be available by the end of 1999.

38. Ms. JÂKOBSONE (Latvia) said that, under the new Criminal Code which had come into force on 1 April 1999, criminal liability was laid down for various crimes against humanity and peace, war crimes, genocide and other acts of discrimination. For example, the crime of genocide was punishable by life imprisonment or restriction of freedom for a period of 3 to 20 years. Violations of national or racial equality or restriction of human rights were

punishable by a prison term of up to three years or a fine of 60 times the minimum monthly wage for a first offence, and imprisonment of up to 10 years for a second or subsequent offence. The offence of restricting national or cultural heritage carried a term of imprisonment of up to 17 years or a fine of up to 200 times the minimum monthly wage. Acts of terrorism were punishable by imprisonment for life or for a period of 8 to 12 years with confiscation of property for a first offence, and imprisonment for life or a period of 15 to 20 years with confiscation of property for a second or subsequent offence. Under the new Criminal Code, a person could be held liable for an offence as a representative of a legal entity, because he or she acted on the orders of the legal entity or was in its service. The accomplices of such persons were also liable to criminal penalties. However, it must be proved that the criminal acts had been carried out deliberately.

39. Judicial proceedings were generally conducted in Latvian, but the court might allow them to take place in another language if the parties, lawyers and prosecutor, if any, agreed. Any individual participating in the trial who did not know Latvian was allowed to study the documentation and speak his or her own language in court, using the services of an interpreter which were provided free of charge. The same principles applied in the Code of Criminal Procedure: additionally, a defendant in a criminal case who did not know Latvian had to be represented by a defence lawyer in the pre-trial investigation, the trial itself and any subsequent appeal.

40. A person who had suffered damages as a result of a criminal action was entitled to bring a civil case, which would be considered during the pre-trial investigation or the criminal court case and decided by the criminal court.

41. Regarding the case described in paragraph 26 of the report, in which criminal charges had been brought against an individual for publishing Hitler's Mein Kampf, the court had decided that the publisher's intention had been to provide historical information: he had disassociated himself from the content of the book in a preface. The case had been abandoned in May 1998 for lack of corpus delicti, although all copies of the book had been seized and destroyed. The case described in paragraph 27 was still at the stage of pre-trial investigation. The suspects involved were minors. The pre-trial investigation of the case mentioned in paragraph 28 had determined that there had been no intent to incite to racial hatred, and the case had been closed in 1998 for lack of evidence. In a fourth case that was too recent to have been mentioned in the report, two persons accused of being members of a criminal group were currently on trial before the Riga Regional Court of First Instance, charged under article 69, part 3, of the Criminal Code.

42. Mr. BAUMANIS (Latvia) said that the National Human Rights Office, whose mandate was outlined in the report (para. 17), was the cornerstone of the Government's national human rights programme, itself currently in the process of being updated. A special Section of the Office dealt with complaints of human rights violations and issued quarterly reports: in the first quarter of 1999 approximately 900 complaints had been received. The Office both accepted written complaints and consulted orally with complainants. It issued opinions on court cases - as it had in the case referred to in paragraph 28 of the report - and on the major social issues such as citizenship or the situation of children or vulnerable groups. The problems and the management crisis in

the Office at the moment would indeed have to be resolved. Since under the law it was an independent body, however, it was hard for the Government to interfere even when the dismissal of the Director had been proposed in Parliament.

43. Latvia's report to the Committee would be published in the Official Gazette and also, together with comments by national human rights experts, in the Latvian Human Rights Quarterly.

44. The question of making the optional declaration under article 14 of the Convention had not yet been considered by his Government, but he would recommend that it should do so and also that it should accept the amendments to article 8, paragraph 6.

45. Mr. RECHETOV commended Latvia for its remarkable cooperation with the international community as a whole on the larger issues of the day, an advance beyond its traditional regional cooperation. Latvia's independence had been welcomed by the new democratic Russian Federation and the entire world, and also by its own national minorities, including the Russian-speaking groups. Since independence, he himself had waited with impatience to see how radical the changes would be as the country moved towards a democratic system and how human rights would fare. Unfortunately, it had been a difficult journey for Latvia.

46. From the point of view of international law, it was not open to criticism; but its official position on exclusion of certain minorities - referred to by the delegation itself - could not be reconciled with internationally recognized human rights standards. He would like to know how Latvia justified it; and whether a 1994 newspaper article calling for the expulsion of all Russian-speaking "migrants" from the country - as cited in a publication of the non-governmental Latvian Human Rights Committee - should have been tolerated under article 69 of the Criminal Code prohibiting violations of national and racial equality, or, worse yet, whether such ideas underpinned Latvian legislation. The crucial issue involved was the citizenship of a group of people who were not foreigners and who after independence had found themselves stripped overnight of two citizenships, that of the former Soviet Union and that of Latvia where they were for the most part born. Such treatment was contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and had affected many of their other rights. As Mr. Diaconu had pointed out, paragraph 52 of the report was simply not in line with reality.

47. Mr. WOLFRUM, drawing attention to the Committee's General Recommendation XI regarding non-citizens, said that, although by reason of article 1, paragraph 2, of the Convention the latter did not apply to distinctions made by States parties between citizens and non-citizens, the Committee had a mandate to monitor the situation of non-citizens. Moreover, States parties could not, under article 1, paragraph 3, make citizenship distinctions that discriminated against any particular nationality, and if Latvia's Law on Citizenship treated a particular group less favourably - in the current instance, the Russian minority that was apparently permanently excluded from citizenship - the Committee must request further information on the matter. He would also like to be informed, in the next report, whether

the old Law on Citizenship dating from the First World War, whose provisions had been carried over into the subsequent legislation, had been free of any discrimination against particular nationalities or any arbitrary exclusion of particular groups.

48. He was not satisfied with the delegation's answer regarding the Law on the State Language, for it had not explained why the legislation was again pending or why the President had vetoed it in the first place after its adoption by a large majority of the Parliament.

49. Mr. YUTZIS asked for further information in the next report regarding violations of article 4 of the Convention, especially by organizations such as political parties, private associations or any branch of the media which worked to create divisions between social groups, distort historical identity or attack minorities.

50. Recalling the Committee's General Recommendation XXII on economic and social rights in relation to article 5 of the Convention, he would like information in the next report on how the State, as it moved to a market economy, was discharging its responsibility to ensure such rights for its most vulnerable sectors, which in many case were its minorities. The legal provisions cited in paragraph 81 of the report, for instance, did not constitute a safeguard of the basic right to work, but only of the right to choose a line of work; he wondered therefore what the Government was doing to deal with unemployment and with any discriminatory refusal to hire minority workers.

51. Mr. GARVALOV, referring to the table of ethnic groups given in paragraph 55 of the report, and noting the breakdown into "Citizens/Non-Citizens/Others", said that, by contrast, article 91 of Latvia's Constitution, with no qualification whatsoever, stated that "all human beings" in Latvia were equal before the law and the courts and that human rights should be realized without discrimination of any kind. Since the Convention could be invoked directly in Latvian courts, that would, of course, be a remedy for the non-citizens or others who felt that they were victims of discrimination.

52. Mr. van BOVEN said that he supported Mr. Wolfrum's comments on the rights of non-citizens and drew attention to a note on the rights of non-citizens (CERD/C/55/Misc.29) of 9 August which he himself had prepared, arguing in favour of further clarifying the Committee's position. He would appreciate an answer in the next report to his question regarding the alleged propagation of national exclusiveness and the demonstrations of sympathy with the Fascist past, as reported by the non-governmental Latvian Human Rights Committee, even if such reports were considered ill-founded.

53. Mr. DIACONU (Country Rapporteur) said that he had appreciated the in-depth dialogue with the delegation, particularly commendable for an initial report. The delegation was now aware of the Committee's interest in receiving information on the rapidly evolving situation in Latvia. He noted that many laws had been adopted, with extreme speed, and cautioned that the Government

must ensure that there were no disparities among them. Latvia was moving in the right direction, and the Committee encouraged it to improve its compliance, both de facto and de jure, with the Convention.

54. Mr. BAUMANIS (Latvia) thanked the Committee for its thorough discussion of the report and its challenging questions, which he would bring to the attention of his Government. A start had been made on what would be a continuing dialogue.

55. The CHAIRMAN commended the delegation on the constructive spirit of dialogue in which it had come before the Committee.

56. The delegation of Latvia withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

57. The CHAIRMAN, returning to the point raised earlier and speaking as both Chairman and member of the Committee, said that he objected to the letter sent by the Chief of the Support Services Branch of the Office of the United Nations High Commissioner for Human Rights to certain selected NGOs, requesting further information on countries whose reports the Committee would be discussing, although he welcomed information received from non-governmental organizations.

The meeting rose at 1 p.m.